

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCHES "G", MUMBAI

Before Justice (Retd.) C V Bhadang, Hon'ble President &
Shri Arun Khodpia, Hon'ble Accountant Member

ITA No.6727/MUM/2025 (Assessment Year : 2024-2025)

Sandeep Arjun Narang, 401, Runwal Grand, 18 th Road, Chembur (East), Mumbai- 400 071. PAN : ADNPN1216D (Appellant)	Vs.	ITO 27(3)(1), Mumbai (Respondent)
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Appellant By : Ms Tisha Bagh
Respondent By : Shri Swapnil Choudhary

Date of Hearing : 04.02.2026	Date of Pronouncement: 04.02.2026
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ORDER

Per Justice (Retd.) C V Bhadang, President:

By this appeal, the appellant-assessee is challenging the order dated 25.08.2025, passed by learned CIT(A) thereby confirming the adjustment made by Centralized Processing Centre (CPC) vide intimation dated 08.05.2025 under Section 143(1) of the Income Tax Act, 1961 ('Act' for short). By the impugned adjustment, the CPC has disallowed deduction of Rs.13,59,600/- on account of delayed e-verification of the IT return, which the CPC has treated as return under Section 139(4) of the Act. The appeal relates to assessment year 2024-25.

2. We have heard parties. Perused record.

3. It is submitted by the learned AR that although the return was filed on the due date, it could not be e-verified on account of certain technical glitches. She pointed out that there is a delay of one month in e-verification of the return. It is submitted that in such circumstances, the ITR could not have been treated as one filed under Section 139(4) of the Act. It is submitted that the CIT(A) failed to appreciate the evidence filed by the appellant indicating that the delay in verification was on account of technical glitches in the portal. The learned AR pointed out that the return was filed on 25.07.2024 itself, which is indicative from the acknowledgement number as 932007490250724 (the last six digits representing the date of filing). Reliance is placed on the decision of the co-ordinate bench at Pune in ITO vs Kumar Builders Project Pune Pvt. Ltd. (ITA No.199/PUN/2025 for A.Y. 2019-20, decided on 11.06.2025). It is submitted that the appellant had chosen to file the return under the old regime. Hence, the same has not been allowed on account of the fact that the option was not exercised within the due date for exercise of such option under Section 115BAC(6) of the Act. The relevant error described by the Department is as under :-

"The taxpayer has to file ITR within the due date to exercise the option u/s. 115BAC(6) for opting out of new tax regime. Since the ITR has not been filed within the due date, as per the provisions of sec. 115BAC any deduction/allowance claimed other than those which are allowed u/s 115BAC will not be allowed"

4. The learned senior DR has submitted that the appellant cannot wait till the last date of filing of the return and then complain about any technical glitches. It is pointed out that the ITR can be said to be filed only when it is duly e-verified which, in the present case, is beyond the due date. The learned Sr. DR fairly submitted that appropriate order be passed.

5. We have considered the submissions made. Copy of email dated 15.03.2025 produced by the appellant indeed shows that the return was filed

on 25.07.2024 and was e-verified on 25.08.2024 on account of certain technical glitches.

6. In *Kumar Builders Project Pune Pvt. Ltd.* (supra) there was a delay of two seconds in e-verification of return, which was done two seconds post midnight at 12.02 a.m. The Bench had noticed yet another decision by Ahmedabad Bench of the Tribunal dated 17.02.2023 in *The Khedbrahma Taluka Primary Teachers Co-op Credit Society Ltd. vs. ADIT* (ITA No.500/Ahd/2022 for A.Y. 2019-20) wherein there was a delay of four minutes and forty-two seconds. Although we notice that the delay was marginal in filing these cases, the principle on the basis of which these decisions are rendered would be germane in the present case. In this regard, there is yet another decision of the Chennai Benches of the Tribunal in *Tenovia Solutions Pvt. Ltd.*, in which there was a delay of twelve minutes and thirty-one seconds.

7. In the case of *Kumar Builders Project Pune Pvt. Ltd* (supra), the CIT(A) had granted relief to the assessee, which order was challenged by the Revenue, which appeal came to be dismissed by the Tribunal. The relevant observations in para 14 thereof:

"14. Similar view has been taken in various other decision relied on by the Ld. Counsel for the assessee. Since in the instant case, admittedly the return was filed prior to midnight of 31.10.2019 but the acknowledgement was generated after the midnight with a delay of 02 seconds, therefore, respectfully following the decisions cited (supra), we hold that there is no error in the order of the Ld. Addl / JCIT(A) directing the Assessing Officer to treat the original return filed with a delay of 02 seconds as filed in time u/s 139(1) of the Act. The grounds raised by the Revenue are accordingly dismissed."

8. We find that indeed the report was filed on 25.07.2013 itself and the verification could not be done, which according to the appellant was on

account of certain technical glitches. Thus, following the decision of the co-ordinate bench in *Kumar Builders Project Pune Pvt. Ltd* (supra) we find that the appeal deserves to be allowed. The appeal is accordingly allowed and the impugned intimation is hereby quashed.

Order pronounced in the open court on 4th February, 2026.

Sd/-
[Arun Khodpia]
ACCOUNTANT MEMBER
Mumbai, Dated : 4th February, 2026.
SA

Sd/-
[Justice (Retd.) C V Bhadang]
PRESIDENT

Copy of the Order forwarded to :

1. The Appellant.
2. The Respondent.
3. The PCIT, Mumbai.
4. The CIT
5. The DR, 'G' Bench, ITAT, Mumbai

BY ORDER

//True Copy//

(Assistant Registrar)
Income Tax Appellate Tribunal, Mumbai